

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

VIRGINIA McMATH, On Behalf of Herself and All Others Similarly Situated,	:	
	:	
Plaintiff,	:	Civil Action No. 05cv5168
	:	
v.	:	Filed Electronically
MBNA CORP., BRUCE L. HAMMONDS, KENNETH A. VECCHIONE, RICHARD K. STRUTHERS, CHARLES C. KRULAK, JOHN R. COCHRAN, III, MICHAEL G. RHODES, LANCE L. WEAVER, and JOHN W. SCHEFLEN,	:	
	:	
Defendants.	:	
	:	

**NOTICE OF MOTION OF DEFENDANTS TO CONSOLIDATE
THIS ACTION WITH A RELATED ACTION AND
TRANSFER BOTH ACTIONS TO THE DISTRICT OF DELAWARE**

PLEASE TAKE NOTICE that upon the annexed Affidavit of Ryan C. Williams, sworn to on the 7th day of July 2005, and the accompanying Memorandum of Law, defendants MBNA Corporation, Bruce L. Hammonds, Kenneth A. Vecchione, Richard K. Struthers, Charles C. Krulak, John R. Cochran, III, Michael G. Rhodes, Lance L. Weaver and John W. Scheflen will move this Court before the Honorable Kenneth M. Karas, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time to be set by the Court, (i) to consolidate this action, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, with a closely related action also pending in this Court, *Kimball v. MBNA Corp.*, No.

1:05-CV-04725-KMK (S.D.N.Y. filed May 16, 2005), and (ii) to transfer both actions, pursuant to 28 U.S.C. § 1404(a), to the United States District Court for the District of Delaware.

Dated: July 11, 2005

Respectfully submitted,

By: s/ Richard C. Pepperman, II
Richard J. Urowsky (RU-0334)
Richard C. Pepperman, II (RP-0957)
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New York, New York 10004
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2005 I caused a copy of the foregoing Notice of Motion of Defendants to Consolidate This Action With a Related Action and Transfer Both Actions to the District of Delaware to be delivered by hand to:

Curtis V. Trinko
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s/ Richard C. Pepperman, II